

REMARKS

This Response is submitted in response to the Office Action mailed on August 11, 2003. In this application, Claims 1 to 7, 9 to 11, 13 and 14 were pending previously. Claim 6 has been allowed. Claims 1 to 3, 11, 13 and 14 stand rejected. Claims 4, 5, 7, 9 and 10 are objected to but would otherwise be allowed if rewritten to include all base claim limitations. In this Response, Claims 1 and 14 have been amended and Claim 4 canceled accordingly without prejudice or disclaimer. Claims 25 to 35 have been added. The specification has also been amended slightly for purposes of grammar and readability. No new matter is being introduced by way of the amendments or additions.

Turning now to the specific rejections, Claims 1, 2, 11, 13 and 14 were rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 1,490,529 to Dittgen ("*Dittgen*") and U.S. Patent No. 6,094,917 to Sundhar ("*Sundhar*"). Claim 3 was rejected under 35 U.S.C. § 103(a) as being obvious in view of *Dittgen* and Official Notice. The Office Action also reiterated that the restriction is required due to over burdensome searching that would otherwise be required.

Regarding the restriction election, Applicant reiterates and incorporates by reference each of Applicant's arguments made previously traversing the restriction. In particular, Applicant maintains that it is not over burdensome to search for art pertaining to products that are individually wrapped inside of a container versus products that are placed directly into a container or housing. Regardless, the claims, for example Claim 1, read on both embodiments.

Regarding the rejections in view of *Dittgen* and *Sundhar*, Claim 1 has been amended to include each of the limitations previously recited in objected to Claim 4. Claim 4 has accordingly been cancelled without prejudice or disclaimer. Applicant therefore respectfully submits that Claim 1 and Claims 2 to 5, 7, 9 to 13 and 35 that depend from Claim 1 are now in condition for allowance. The obviousness rejection of Claim 3 in view of Official Notice is rendered moot.

Turning to independent Claim 14, the claim has been amended. Claim 14 is currently directed to a package for housing consumable products including a housing and a sheet disposed inside the housing. The sheet includes a plurality of adhesive areas and the consumable products are releasably adhered to the adhesive areas of the sheet. The products are also configured

within the housing so that a consumer can grasp and remove at least one of the consumable products from the sheet and the housing.

Applicant respectfully submits that Claim 14, which incorporates the limitations of objected to Claim 5, is novel and non-obvious over *Dittgen* and *Sundhar*. Indeed, neither reference teaches the placement of multiple adhesive areas on the sheet, wherein the sheet is disposed in the housing, and wherein multiple products are adhered to the adhesive areas, so that the consumer can selectively remove products from the housing. Because independent Claim 14 is patentable, added Claims 25 to 34 that depend from Claim 14 are also patentably distinct over *Dittgen* and *Sundhar*.

Claims 34 and 35 have been added for the express purpose of creating claim differentiation between a product as specified in Claims 1 and 14, which can be either individually wrapped or placed directly inside of the housing and the product further limited in Claims 35 and 36 to specify that the product is individually unpackaged and directly releasably attached to the sheet. Applicant therefore expressly states that the term “products” as used in the independent claims herein covers at least the embodiments: (i) where the products are individually packaged and (ii) where they are not individually packaged.


Applicant wishes to note that the references cited by the Patent Office indeed relate to products that are individually packaged and products that are not. For example, U.S. Patent No. 2,210,196 shows gum products that are individually packaged. U.S. Patent No. 2,988,209 shows products that are not individually packaged. Those are merely two examples and are not meant to provide an exhaustive list. However, the references indicate that the claims have had to overcome references showing both features. Therefore, Applicant expressly states that they are not disclaiming any coverage with respect to the scope of the term “products” and notes for the purpose of public notice that the claims cover both individually wrapped and individually unwrapped products.

For the foregoing reasons, Applicant respectfully requests reconsideration of his patent application and earnestly solicits an early allowance of same.

Respectfully submitted,

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